

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHNNY LEE NAPIER,

Defendant - Appellant.

No. 05-30348

D.C. No. CR-04-00033-JMF

RECEIVED

OCT 16 2006

JUDGMENT CLERK, U.S. DISTRICT COURT  
ANCHORAGE, ALASKA

Appeal from the United States District Court for the District of Alaska  
(Anchorage).

This cause came on to be heard on the Transcript of the Record from the  
United States District Court for the District of Alaska (Anchorage) and was duly  
submitted.

On consideration whereof, it is now here ordered and adjudged by this  
Court, that the judgment of the said District Court in this cause be, and hereby is  
**VACATED and REMANDED.**

Filed and entered 09/19/06

